

National Oceanic and Atmospheric Administration

***Statutes Which Authorize a Transfer of Funds to
Support International Engagements***

Office of General Counsel
International Section
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Introduction

The purpose of this document is to catalogue existing statutory provisions that authorize the transfer of funds or other types of support either into or out of NOAA and that contemplate as at least one reason for such a transfer the advancement of NOAA's international engagements and commitments. At a time when budgets are strained and competing demands on appropriated funds are varied, it is incumbent upon NOAA to avail itself of statutory provisions which authorize the Agency to receive support from outside sources, either on a temporary or permanent basis, whether under obligation or by donation, or provisions that authorize NOAA to dispense assistance to other entities for qualifying purposes. Such provisions were enacted by Congress for the purpose of providing NOAA with flexibility in meeting its obligations. It is important that the Agency be fully aware of the existence of these authorities and that it use them in ways which promote efficiency and economy.

The provisions described here focus on NOAA or DOC authorities and may either involve transfers of money or of in-kind assistance. They do not include payments received for the rendition of services, such as fees paid to NOAA by applicants for permits or fees paid for access to environmental data or products. They do not include specific authorizations for the use of interest accruing in U.S. Treasury accounts. They do not include payments made by NOAA under any of the various grant programs which the Agency is charged with administering; nor do they include payments authorized to be made by NOAA in the form of subsidies, emergency assistance or disaster relief. Moreover, the analysis provided here focuses only on authorities that may be of assistance to NOAA in meeting its international obligations and commitments or that may provide support to other entities, whether domestic or international, in participating in the accomplishment of those international commitments.

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Appropriations

Consolidated Appropriations Act, 2017, Div. B, Title I, Pub. L. No. 115-31, Department of Commerce Appropriations Act, 2017, General Provisions, (May 5, 2017)

Section 108 of this Act authorizes the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, territory, or possession, or of any political subdivision thereof, or ***of any foreign government or international organization***, for purposes related to carrying out the responsibilities of any statute administered by NOAA.

To carry out the NOAA's responsibilities, the Administrator of NOAA is authorized, under Section 112 of this Act, to: (1) enter into grants and cooperative agreements with; (2) use on a nonreimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" and shall remain available until September 30, 2019, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

Note: Section 505 places limitations on the reallocation of resources or the reorganization of activities and specifies reprogramming procedures which shall apply to funds provided under this act, to unobligated balances from previous appropriations acts, and to non-appropriated resources such as fee collections that are used to meet program requirements.

Note: Section 108 of this Act restores language that was included in Department of Commerce appropriations acts prior to FY 2015. The appropriations act for FY2014, for example, authorized NOAA to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any state or local government or tribal government, or of ***any foreign government or international organization***, for purposes related to carrying out the responsibilities of any statute administered by NOAA. Section 107 of the General Provisions of the Department of Commerce Appropriations Act, 2014. The boldfaced text had been included in appropriations acts for a number of years until it was omitted in FY 2015. *See, e.g.*, Consolidated and Further Appropriations Act of 2012, Pub. L. 112-55 (November 18, 2011) (in which it appears as Section 118) and Consolidated and Further

Appropriations Act of 2013, Pub. L. 113-6 (March 26, 2013) (in which it also appears as Section 118).

Title 15 – Commerce and Trade

Gift Acceptance Authority, 15 U.S.C. § 1522

This section authorizes the Secretary of Commerce to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of Commerce. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary of Commerce. Department Administrative Order 203-9 establishes the conditions for accepting gifts and bequests.

Special Studies Authority, 15 U.S.C. §1525

This section authorizes the Secretary of Commerce to receive funds for the purpose of making special studies on matters within the authority of the Department upon the request of any person, firm, organization, whether public or private. This includes preparing special compilations, lists, bulletins, or reports from its records, and furnishing transcripts or copies of its studies, compilations, and other records. This section requires advance payment for the actual or estimated cost of the work. It also requires full cost recovery.

Joint Projects Authority, 15 U.S.C. §1525 (Second Paragraph)

The Department of Commerce's Joint Projects Authority (JPA) authorizes engagement, on an equitable basis, in collaborative projects with non-profit, research, or public organizations or agencies, including state and local governments, on matters of mutual interest. Under this authority, each partner may contribute funds, goods, or services, provided it is done on an equitable basis. The results of joint projects must be available to all parties. Each party should have the right to publish or make use of the results of the project without obligation to the other parties. The project must be done with the participation of all parties and must be essential to the furtherance of a Department of Commerce program. All payments for work or services must be deposited in the fund against which the charges have been made. The JPA is the authority for operating units to engage in collaborative activities with entities outside the Department.

Agreements to Foster Public Understanding of NOAA, 15 U.S.C. § 1540

The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, may enter into cooperative agreements and other financial agreements with any nonprofit organization to (1) aid and promote scientific and educational activities to foster public understanding of the National Oceanic and Atmospheric Administration or its programs; and (2) solicit private donations for the support of such activities.

15 U.S.C. § 1540 note authorizes cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary of Commerce to use the personnel, services, or facilities of such organizations. *See NOAA Administrative Order 216-107* (September 2, 2005).

National Climate Program Act, 15 U.S.C. §§ 2901-2908

The Act authorizes a comprehensive National Climate Program to assist both the Nation and the world to understand and respond to artificial and natural climate processes. 15 U.S.C. § 2902. The National Climate Program Office shall, among other things, be responsible for coordinating interagency participation in international climate-related activities. The Secretary of Commerce may provide, through the National Climate Program Office, financial assistance, in the form of contracts or grants or cooperative agreements, for climate-related activities which are needed to meet the goals and priorities of the Program, if such goals and priorities are not being adequately addressed by any Federal department, agency, or instrumentality. 15 U.S.C. § 2904(c).

Stevenson-Wydler Technology Innovation Act of 1986, 15 U.S.C. §§ 3701-3722

Each Federal agency may permit the directors of any of its government-operated Federal laboratories to enter into cooperative research and development agreements with other Federal agencies, units of State or local government, industrial organizations, public and private foundations, nonprofit organizations, or other persons. Under such agreements the laboratory may provide personnel, services, facilities, equipment, intellectual property, or other resources with or without reimbursement, and the non-Federal parties may provide funds, personnel, services, facilities, equipment, intellectual property, or other resources toward the conduct of specified research or development efforts which are consistent with the missions of the laboratory. 15 U.S.C. § 3710a.

Under Section 4 of **Executive Order 12591, “Facilitating Access to Science and Technology,” 52 FR 13414 (April 10, 1987)**, the head of each Executive department and agency, when negotiating or entering into cooperative research and development agreements and licensing arrangements with foreign persons or industrial organizations shall, in consultation with the

United States Trade Representative, give appropriate consideration to factors identified in the Order. The Secretary of State shall develop a recruitment policy that encourages scientists and engineers from other Federal agencies, academic institutions, and industry to apply for assignments in embassies of the United States; and the Secretaries of State and Commerce and the Director of the National Science Foundation shall develop a central mechanism for the prompt and efficient dissemination of science and technology information developed abroad to users in Federal laboratories, academic institutions, and the private sector on a fee-for-service basis.

Title 16 -- Conservation

Fish and Wildlife Act, 16 U.S.C. 742a-754a

The Secretary of Commerce is authorized to conduct investigations, prepare and disseminate information, and make periodical reports on matters including the production and flow to market of fish and fishery products domestically produced, and also those produced by foreign producers which affect the domestic fisheries; and the competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities. 16 U.S.C. § 742d. The Secretary may request and secure the advice or assistance of any department or agency of the federal government in carrying out the provisions of this Act, and any such department or agency which furnishes advice or assistance to the Secretary may expend its own funds for such purposes, with or without reimbursement. 16 U.S.C. § 742e. The Secretary may accept the services of individuals as volunteers without compensation in aid of programs conducted by NOAA and the Secretary is authorized to enter into cooperative research agreements with nonprofit organizations. 16 U.S.C. § 742f, 753a.

Northern Pacific Halibut Act of 1982, 16 U.S.C. §§ 773-773k

Any agency of the federal government is authorized upon request of the International Pacific Halibut Commission, to cooperate in the conduct of scientific and other programs, and to furnish on a reimbursable basis, facilities and personnel for the purposes of assisting the Commission in carrying out its duties under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (the Convention). Such agency may accept reimbursement from the Commission. 16 U.S.C. § 773d.

The Convention, this Act, and any regulation adopted under this Act, shall be enforced by the

Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties. 16 U.S.C. § 773i(a).

Anadromous Fish Conservation Act, 16 USC 757a-757g

This Act authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with the States and other non-Federal interests for conservation, development, and enhancement of anadromous fish, including those in the Great Lakes, and to contribute up to 50 percent as the Federal share of the cost of carrying out such agreements. 16 U.S.C. § 757a(a).

Whaling Convention Act of 1949, 16 U.S.C. §§ 916-916l

This statute makes it unlawful for any person subject to the jurisdiction of the United States to engage in whaling in violation of the International Convention for the Regulation of Whaling or of any regulation of the International Whaling Commission or of any regulation promulgated by the Secretary of Commerce under this Act. 16 U.S.C. § 916c(a). All agencies of the Federal Government are authorized, on request of the Commission, to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the Commission in the performance of its duties as prescribed by the convention. 16 U.S.C. § 916h(b).

Tuna Conventions Act of 1950, as amended, 16 U.S.C. §§ 951-962

All agencies of the Federal Government are authorized, on request of the Inter-American Tropical Tuna Commission, to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the Commission in the performance of its duties. 16 U.S.C. § 958.

Atlantic Tunas Convention Act of 1975, as amended, 16 U.S.C. §§ 971-971k

The Secretary of Commerce is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services, and facilities of that agency for enforcement

purposes (with the concurrence of the Department under which the Coast Guard is operating if such a utilization involves enforcement at sea). 16 U.S.C. § 971d(a). The United States is represented by up to three Commissioners on the International Commission for the Conservation of Atlantic Tunas. These Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out studies of tuna and tuna-like fish and other species exploited in the Convention area. All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention. 16 U.S.C. § 971g(a)-(b).

Fur Seal Act of 1966, as amended, 16 U.S.C. §§ 1151-1159

The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary of Commerce or the North Pacific Fur Seal Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this Act. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement. 16 U.S.C. § 1159.

Marine Mammal Protection Act of 1972, 16 U.S.C. §§ 1361-1423h

The Marine Mammal Protection Act was enacted to protect all species and stocks of marine mammals and to achieve healthy populations of marine mammals. The Secretary of Commerce, through the Secretary of State, may initiate negotiations for the development of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by this Act. 16 U.S.C. § 1378(a)(1). The Secretary of Commerce may encourage such other agreements with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals and may initiate the amendment of any existing international treaty for the protection and conservation of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this Act. 16 U.S.C. § 1378(a)(3), (4).

The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals. 16 U.S.C. § 1380(a). "Person" is defined to include any private person or entity, and any officer, employee, agent, department, or instrumentality of the federal government, of any state or political subdivision thereof, or of any foreign government. The Secretary may enter into such contracts,

leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of conserving and protecting marine mammals with any Federal or State agency, public or private institution, or other person, and on such terms as he deems appropriate. 16 U.S.C. § 1382(c).

National Marine Sanctuaries Act, as amended, 16 U.S.C. §§ 1431-1445c-1

This statute authorizes the Secretary of Commerce to identify and designate, as national marine sanctuaries, areas of the marine environment which are of special national or ecological significance, and it provides authority for comprehensive and coordinated conservation and management of these marine areas and regulation of activities affecting them. 16 U.S.C. § 1431(b).

The Secretary of Commerce, in consultation with the Secretary of State and other appropriate Federal agencies, shall cooperate with other governments and international organizations in furtherance of the purposes and policies of this chapter and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas. 16 U.S.C. § 1435(c).

The Secretary of State, in consultation with the Secretary of Commerce, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of any national marine sanctuary and to promote the purposes for which the sanctuary is established. 16 U.S.C. § 1435(b).

The Secretary of Commerce may:

1. enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this chapter.
2. enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this chapter.
3. accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this chapter. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.
4. acquire by purchase, lease, or exchange, any land, facilities, or other property necessary and appropriate to carry out the purposes and policies of this chapter.

5. whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this chapter.

Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this chapter. 16 U.S.C. § 1442.

Coastal Zone Management Act (CZMA), 16 U.S.C. §§ 1451-1466

The Coastal Zone Management Act is designed “to preserve, protect, develop, and where possible, to restore or enhance” the resources of the nation’s coastal zone. 16 U.S.C. § 1452. One of its purposes is to encourage coordination and cooperation with and among the appropriate Federal, State, and local agencies, and international organizations where appropriate, in collection, analysis, synthesis, and dissemination of coastal management information, research results, and technical assistance. 16 U.S.C. § 1452(5). The Act provides that the Secretary of Commerce shall conduct a program of technical assistance and management-oriented research in order to support both State coastal management program amendments and to further international cooperative efforts and technical assistance in coastal zone management. 16 U.S.C. § 1456c(a).

Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1543

The President may provide development and management assistance to any foreign country that the Secretary of Commerce determines to be necessary or useful to endangered or threatened species conservation. 16 U.S.C. § 1537(a). The Secretary of Commerce, through the Secretary of State, may enter into agreements with foreign countries to conserve threatened and endangered species, as well as encourage foreign persons who import animals or plants to use conservation practices that enhance the habitat of the animals or plants being imported. 16 U.S.C. § 1537(b). The Secretary of Commerce, through the Secretary of State, may also provide personnel or financial assistance in order to cooperate with foreign countries and international organizations in promoting the conservation of fish or wildlife or plants. 16 U.S.C. § 1537(c).

Magnuson-Stevens Fishery Conservation and Management Act, as amended, 16 U.S.C. §§ 1801-1891d

Monitoring and Compliance in High Seas Fisheries – The Secretary of Commerce may undertake activities to promote improved monitoring and compliance for high seas fisheries, or

fisheries governed by international fishery management agreements. These include participating in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements; supporting efforts to create an international registry or database of fishing vessels; enhancing enforcement capabilities; and providing technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities. 16 U.S.C. § 1829.

Antarctic Marine Living Resources Act of 1984, 16 U.S.C. §§ 2431-2444

The Secretary of Commerce and the Director of the National Science Foundation, in consultation with the Secretary of State, may furnish facilities and personnel to the Commission for the Conservation of Antarctic Marine Living Resources in order to assist the Commission in carrying out its functions. 16 U.S.C. § 2441(a)(1)(C).

Atlantic Salmon Convention Act of 1982, 16 U.S.C. §§ 3601-3608

In carrying out the provisions of the Convention for the Conservation of Salmon in the North Atlantic Ocean, the Secretary of Commerce, in consultation with the Secretary of the Interior, may arrange for the cooperation of agencies of the United States and the States, and of private institutions and organizations. Appropriate agencies of the United States may cooperate in the conduct of scientific and other programs, and may furnish facilities and personnel, for the purposes of assisting the North Atlantic Salmon Conservation Organization in carrying out its for providing such services, facilities, and personnel. 16 U.S.C. § 3605(a)-(b).

Pacific Salmon Treaty Act of 1985, 16 U.S.C. §§ 3631-3645

This Act authorizes the Secretary of Commerce to issue and enforce regulations necessary for implementing the Treaty, signed at Ottawa, January 28, 1985, between the Government of the United States and the Government of Canada Concerning Pacific Salmon. The Treaty requires the United States and Canada to develop periodic bilateral agreements to implement the Treaty's conservation and harvest-sharing principles, creating an arrangement for operative management, research, and enhancement of shared Pacific salmon stocks to ensure sustainable fisheries and maximize long-term benefits to both Parties.

In carrying out the provisions of the Treaty and this chapter, the Secretary, in consultation with the Secretary of the Interior, may arrange for cooperation with agencies of the United States, the States, treaty Indian tribes, private institutions and organizations, and may execute such memoranda as may be necessary to reflect such agreements. Agencies of the United States may cooperate in the conduct of scientific and other programs, and may furnish facilities and personnel, for the purposes of assisting the Commission and Panels in carrying out their

responsibilities under the Treaty. Such agencies may accept reimbursement from the Commission for providing such services, facilities, and personnel. 16 U.S.C. § 3634(a)-(b).

National Fish and Wildlife Foundation Establishment Act, 16 U.S.C. §§ 3701-3710

This Act established the National Fish and Wildlife Foundation as a charitable, nonprofit corporation. The purposes of the Foundation are to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources and to participate with, and otherwise assist, foreign governments, entities, and individuals in undertaking and conducting activities that will further the conservation and management of the fish, wildlife, and plant resources of other countries. 16 U.S.C 3701(b). The Director of the Fish and Wildlife Service and the NOAA Administrator shall serve as directors of the Foundation. 16 U.S.C 3702(b)(1).

The Foundation may accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein. 16 U.S.C 3703(c).

The Foundation may establish a national whale conservation endowment fund, to be used by the Foundation to support research, management activities, or educational programs that contribute to the protection, conservation, or recovery of whale populations in waters of the United States. The Foundation may accept, receive, solicit, hold, administer, and use any gift, devise, or bequest made to the Foundation for the express purpose of supporting whale conservation. In carrying out any action on the part of the Foundation in connection with the endowment fund, the Foundation's Board shall consult with the Administrator of the National Oceanic and Atmospheric Administration and the Marine Mammal Commission. 16 U.S.C. § 3703(f)-(g).

The Secretary of the Interior or the Secretary of Commerce may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of the Interior or the Department of Commerce, as volunteers in the performance of the functions authorized herein, in the manner provided for under section 742f(c) of this title. 16 U.S.C. § 3705.

Fish and Seafood Promotion Act of 1986, 16 U.S.C. §§ 4001-4017

This statute authorizes the Secretary of Commerce to establish Seafood Marketing Councils which would develop strategies and implement measures to ensure that product information is

accurate and scientifically valid, to promote the utilization of one or more species of fish, to enter agreements with members of the seafood industry, to fund referenda to establish or terminate species-specific Councils, and to establish quality standards. The Councils are not instrumentalities of the U.S. government. 16 U.S.C. §§ 4009-4010. However, the Secretary may provide, on a reimbursable basis or otherwise, such administrative and technical assistance as a Council may request for purposes of its initial organization, as well as to support the Council's subsequent operation. 16 U.S.C. § 4011(b).

North Pacific Anadromous Stocks Convention Act of 1992, 16 U.S.C. §§ 5001-5012

This Act implements the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean which was signed in Moscow, February 11, 1992. 16 U.S.C. § 5001. The Secretary of Commerce shall be responsible for administering provisions of the Convention, this Act, and regulations issued under this Act and shall issue such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act and may, with the concurrence of the Secretary of State, cooperate with the authorized officials of the government of any Party. 16 U.S.C. § 5006(b). The Secretary of Commerce may arrange for cooperation with agencies of the United States, the States, private institutions and organizations, and agencies of the government of any Party, to conduct scientific and other programs, and may execute such memoranda as may be necessary to reflect such agreements. 16 U.S.C. § 5007(b).

Northwest Atlantic Fisheries Convention Act of 1995, 16 U.S.C. §§ 5601-5612

In carrying out the provisions of the Northwest Atlantic Fisheries Convention and this Act, the Secretary of Commerce may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations. The head of any Federal agency may cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting NAFO in carrying out its duties under the Convention. 16 U.S.C. § 5604.

Western and Central Pacific Fisheries Convention Implementation Act, 16 U.S.C. §§ 6901-6910

The Western and Central Pacific Fisheries Commission (WCPFC Commission or Commission) was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC Convention or Convention) which entered into force on June 19, 2004. The objective of the Convention is to ensure the

long-term conservation and sustainable use of tuna and other highly migratory stocks in the Western and Central Pacific Ocean. Under this Act, the Secretary of Commerce may cooperate with agencies of the U. S. government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, with the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this Act. 16 U.S.C. § 6907(a). All Federal agencies are authorized, upon the request of the Secretary of Commerce, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention. 16 U.S.C. § 6907(b).

Coral Reef Conservation Act of 2000, 16 U.S.C. §§ 6401-6409

The purposes of the Act are to preserve and restore coral reef ecosystems; to promote wise management and sustainable use of these ecosystems; to develop scientific understanding of these ecosystems; and to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations. 16 U.S.C. § 6401.

The NOAA Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received in furtherance of the purposes of this Act. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, solely to support partnerships between the public and private sectors that further the purposes of this Act. 16 U.S.C. § 6404(a). Pursuant to an agreement, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this Act. 16 U.S.C. § 6404(b). The NOAA Administrator may transfer funds appropriated to carry out this Act to an organization. Amounts thus received by an organization may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies. 16 U.S.C. § 6404(d).

The Secretary of Commerce may engage in conservation and management of coral reef ecosystems with local, regional, or international programs or partners. 16 U.S.C. § 6406(b)(4). The Secretary of Commerce, through the NOAA Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs. The NOAA Administrator, after ensuring that no less than forty percent of available funds are provided to Pacific Ocean projects and forty percent to projects in Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction and control of the U.S., may award remaining funds to emerging priorities and threats, including international priorities and threats identified by the NOAA Administrator. 16 U.S.C. § 6403(d).

Title 22 – Foreign Relations and Intercourse

Foreign Assistance Act of 1961, 22 U.S.C. §§ 2151-2431k

Under the Foreign Assistance Act (FAA), whenever the United States Agency for International Development (USAID) determines it to be consistent with the Act, any agency of the U.S. Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by USAID. 22 U.S.C. § 2357.

In addition, under Section 632(a) of the FAA, USAID may allocate or transfer to any federal agency any part of the funds available for carrying out the purposes of FAA, making the funds available for the program of another U.S. government agency that will further the purposes of the FAA. 22 U.S.C. § 2392(a). Such funds are to be available for the purpose for which they were authorized under authority of the FAA or the authority of the agency which receives them. The mechanism for making such a transfer is usually a Memorandum of Agreement.

USAID may also obtain the services of another federal agency under section 632(b) of the FAA, entering into agreements with other federal agencies to carry out functions under the FAA. 22 U.S.C. § 2392(a). One type of agreement is the “Participating Agency Service Agreement” (PASA) which is an agreement with another federal agency for services or support – either activity-specific services or continuing general professional support services. The services may be rendered directly to USAID or on USAID’s behalf to a third party, such as a cooperating country.

Another type of agreement contemplated under section 632(b) is a “Participating Agency Program Agreement” (PAPA) which is generally used when the participating agency will implement a defined program with relatively little day-to-day direction or supervision from USAID and the functions are to be performed at a place other than USAID. A PAPA is also used if it is expected that the participating agency will contract out for a substantial portion of the services needed.

Title 33 – Navigation and Navigable Waters

The Coast and Geodetic Survey Act, 33 U.S.C. §§ 883a-883l

The statute authorizes the Secretary of Commerce to conduct the following activities: (1) hydrographic and topographic surveys; (2) tide and current observations; (3) geodetic-control surveys; (4) field surveys for aeronautical charts; (5) geomagnetic, seismological, gravity, and related geophysical measurements and investigations, and observations for the determination of variation in latitude and longitude. 33 U.S.C. § 883a. The Secretary of Commerce is authorized to enter into cooperative agreements, or any other agreements, with, and to receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual for surveys or investigations authorized under the Act, or for performing related surveying and mapping activities, including special-purpose maps, and for the preparation and publication of the results thereof. 33 U.S.C. § 883e(1). The Secretary of Commerce is authorized to establish the terms of any such agreement, including the amount of funds to be received, and may contribute that portion of the costs incurred by NOAA, including shiptime and personnel expenses, which the Secretary determines represents the amount of benefits derived by NOAA from the agreement. 33 U.S.C. § 883e(2).

Federal Ocean Acidification Research and Monitoring Act of 2009, 33 U.S.C. §§ 3701-3708

This statute provides for the development and coordination of a comprehensive interagency plan to monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems. The Secretary of Commerce shall establish an ocean acidification program within NOAA to conduct research and monitoring activities. The program shall also provide for coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the Intergovernmental Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others. 33 U.S.C. §§ 3705(a). In conducting the Program, the Secretary of Commerce (acting through NOAA) may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this chapter on such terms as the Secretary considers appropriate. 33 U.S.C. § 3705(b).

Oil Pollution Act of 1990, 33 U.S.C. §§ 2701-2762

The Oil Pollution Act (OPA) of 1990 amends the Clean Water Act. OPA establishes a broad framework for preventing, responding to, and paying for discharges and threatened discharges of oil from ships and facilities. Section 7001 of the OPA establishes an Interagency Coordinating Committee on Oil Pollution Research in order to coordinate a “comprehensive program of oil pollution research, technology development, and demonstration” along with implementation and guidance plans based on the findings of that comprehensive research. The Interagency Committee includes representatives from several agencies including NOAA. 33 U.S.C. § 2761(a)(3). The Interagency Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, and other nations, and shall foster cost-effective research mechanisms, including the joint funding of research. 33 U.S.C. § 2761(a)(2).

Public Law 101-515 (1990) set up the Damage Assessment and Restoration Revolving Fund (DARRF) to allow NOAA to recover monies spent in carrying out contingency planning, response, and natural resource damage assessment and restoration activities. Public Law 102567 significantly expanded NOAA’s ability to recapture expenses associated with natural resource damage assessment efforts. Recoveries for natural resource damage and restoration activities are deposited into the DARRF, and shall be available without fiscal year limitation and without apportionment. Therefore, NOAA is able to collect into the DARRF reimbursements for its international consultation activities, even if a NOAA trust resource is not involved. 33 U.S.C. § 2706 note.

Geophysical Sciences Authorities, 33 U.S.C. §§ 883c, 883d, 883e

These provisions authorize the Secretary of Commerce to conduct surveys, research, and investigations in geophysical sciences. The Secretary of Commerce is authorized to enter into cooperative agreements with, and to receive and expend funds made available by State or Federal agencies, as well as any public or private organization or individual for purposes of surveying or mapping activities, including special purpose maps. 33 U.S.C. § 883e.

National Sea Grant College Program Act, as amended, 33 U.S.C. §§ 11211131

The objective of this Act is to increase the understanding, assessment, development, management, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems. 33 U.S.C. § 1121(b). The most

costeffective way to promote such activities is through continued and increased Federal support of the establishment, development, management, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between NOAA scientists and the research and outreach personnel at academic institutions. 33 U.S.C. § 1121(a)(6).

The Secretary of Commerce may make grants and enter into contracts to assist any sea grant program or project. 33 U.S.C. § 1124(a). The Secretary may enter into contracts, cooperative agreements, and other transactions; accept donations and voluntary and uncompensated services; and accept funds from other Federal departments and agencies to pay for and add to grants made and contracts entered into by the Secretary. 33 U.S.C. § 1121(c)(4).

Each department, agency, or other instrumentality of the Federal Government which is engaged in or concerned with, or which has authority over, matters relating to ocean, coastal, and Great Lakes resources may, upon a written request from the Secretary, make available, on a reimbursable basis or otherwise any personnel, service, or facility which the Secretary deems necessary to carry out any provision of this subchapter; shall, upon a written request from the Secretary, furnish any available data or other information which the Secretary deems necessary to carry out any provision of this subchapter; and shall cooperate with NOAA and duly authorized officials thereof. 33 U.S.C. § 1129.

National Coastal Monitoring Act, 33 U.S.C. §§ 2801-2805

This Act establishes a comprehensive national program for consistent monitoring of the Nation's coastal ecosystems, including waters of the Great Lakes. 33 U.S.C. § 2801. The NOAA Administrator and the the Administrator of EPA shall jointly develop and implement a program for long-term collection, assimilation and analysis of scientific data and are authorized to enter into cooperative agreements to provide financial assistance to non-Federal agencies and institutions to support implementation of intensive monitoring programs under this subsection. Federal financial assistance may only be provided on the condition that not less than fifty percent of the costs of the monitoring to be conducted by a non-Federal agency or institution will be provided from non-Federal funds. 33 U.S.C. § 2803(d)(7)(B).

Tsunami Warning and Education Act, 33 U.S.C. §§ 3201-3207

The Act establishes a comprehensive program to operate and maintain a Tsunami Forecasting and Warning Program (TFWP), tsunami warning centers, Tsunami Research Program, and National Tsunami Hazard Mitigation Program. 33 U.S.C. §§ 3202, 3203(c). The NOAA Administrator shall provide technical assistance and training to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and

warning system comprising regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific. 33 U.S.C. § 3206(a). The Administrator, in cooperation with the Intergovernmental Oceanographic Commission, may provide assistance to other nations participating in a global tsunami warning system established through the Intergovernmental Oceanographic Commission. 33 U.S.C. § 3206(b). When deploying and maintaining tsunami detection technologies, the Administrator shall seek the assistance and assets of other appropriate Federal agencies. 33 U.S.C. § 3203(f).

NOAA Undersea Research Program Act of 2009, 33 U.S.C. §§ 3401-3426

This Act directs the Administrator of NOAA, in consultation with the National Science Foundation and other appropriate Federal agencies, to establish a coordinated national ocean exploration program within NOAA that promotes collaboration with other Federal ocean and undersea research and exploration programs. 33 U.S.C. § 3402. In carrying out this program, the Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans. 33 U.S.C. § 3403(b).

The NOAA Administrator shall also establish and maintain an undersea research program and shall designate a Director of that program. The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes. 33 U.S.C. § 3421. The Director of the program shall cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations; and may enter into partnerships with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry. 33 U.S.C. § 3422.

Integrated Coastal and Ocean Observation System Act of 2009, 33 U.S.C. §§ 3601-3611

This Act establishes a national integrated system of ocean, coastal and Great Lakes observing systems that includes in situ, remote, and other coastal and ocean observation technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information and to gather specific data on key coastal, ocean, and Great Lakes variables. 33 U.S.C. § 3601. To carry out interagency activities under this act, the Secretary of Commerce may execute cooperative agreements and receive and expend funds made available by any state, federal agency, public or private organization, or any individual. 33 U.S.C. § 3604(a).

Title 49 -- Transportation

Meteorological Services to Support Aviation, 49 U.S.C. § 44720.

The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. 49 U.S.C. § 44720(a). To promote safety and efficiency in air navigation to the highest possible degree, the Secretary of Commerce shall maintain and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation. In cooperation with other departments, agencies, and instrumentalities of the U.S. government, meteorological services of foreign countries, and persons engaged in air commerce, the Secretary of Commerce shall participate in developing an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries. 49 U.S.C. § 44720(b).

Details to International Organizations

Government Employees – Details to International Organizations, 5 U.S.C. §§ 3343 (Details), 3581-3584 (Transfers); See 5 C.F.R §§ 352.301-352-314

The head of an agency may detail, for a period of not more than 5 years, an employee of his or her agency to an international organization that requests services. Under special circumstances, where the Secretary of State determines it to be in the national interest, he may extend the 5-year period for up to an additional 3 years. 5 U.S.C. § 3343(b); 5 C.F.R. § 352.306. The Department of State provides a listing of approved international organizations at <http://www.state.gov/p/io/empl/126305.htm>. Details may be made without reimbursement to the United States by the international organization; or with agreement by the international organization to reimburse the United States for all or part of the pay, travel expenses, and allowances payable during the detail. The reimbursement shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed. 5 U.S.C. § 3343(d).